

IN THE WAKE OF *RUCKER*: AN UNFINISHED TENSION

A. Refresher

**B. The Violence Against Women Act
Amendments**

HUD v. RUCKER

- A. 8-0 decision (Rehnquist opinion)
- B. HUD v. Rucker, 545 U.S. 125, 122 S.Ct. 1230 (2002)
- C. Statutorily required lease terms give PHAs the discretion to terminate tenancy when household members or guests engage in drug-related activity, regardless of whether tenant knew or should have known of the drug-related activity.

- 1. Extends to section 8 statutory provisions**
- 2. Ranges beyond drug-related activity to any criminal activity threatening health, safety, or right to peaceful enjoyment of the premises by other tenants or persons residing in the immediate vicinity of the premises.**

D. Final validation of HUD, PHA, and section 8 owner position through and after One-Strike: the (near?) death of the “innocent tenant” defense.

VIOLENCE AGAINST WOMEN ACT AMENDMENTS

- A. Public Law 109-162**
- B. Amendments to public housing and section 8 program authorization**
- C. A variation on the innocent tenant defense**
 - 1. Victims of domestic violence**
 - 2. Victims of dating violence**
 - 3. Victims of stalking**

"An Unfinished Life"



- D. At least a theoretical tension between—**
 - 1. The hard *Rucker* line and**
 - 2. The return of the innocent tenant defense**
- E. Some built-in protections for the *Rucker* position**
 - 1. Requisite certification**
 - 2. “Bifurcation”**
- F. But is this a chipping away of *Rucker*?**

- 1. Probably not by AARP**
- 2. Probably not by a criminal trade organization**
- 3. But query: disabled community?**